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OCT 29 2009
U.S. DISTRICT COURT
MID. DIST. TENN.
U.S. DISTRICT COURT
MID. DIST. TENN.
AT Nashville

FILED
U. S. DISTRICT COURT
MIDDLE DISTRICT OF TENN
NOV - 5 2009

BY _____
DEPUTY CLERK

Herbert Hewliss Brown

(Enter above the NAME of the
plaintiff in this action.)

v.

Western Express and
Associates

(Enter above the NAME of each
defendant in this action.)

3 09 1060

COMPLAINT FOR VIOLATION OF CIVIL RIGHTS
(42 U.S.C. Section 1983)

I. PREVIOUS LAWSUITS

- A. Have you begun other lawsuits in state or federal court dealing with the same facts involved in this action or otherwise relating to your imprisonment? YES () NO (X)
- B. If your answer to A is YES, describe the lawsuit in the space below. (If there is more than one lawsuit, describe the additional lawsuits on another piece of paper, using the same outline.)

1. Parties to the previous lawsuit:

Plaintiffs: does not apply

Defendants: does not apply

2. COURT: (If federal court, name the district; if state court, name the county):
does not apply
3. DOCKET NUMBER: does not apply
4. Name of Judge to whom case was assigned: does not apply
5. Disposition: (For example: Was the case dismissed? Was it appealed? Is it still pending?) does not apply
6. Approximate date of filing lawsuit: does not apply
7. Approximate date of disposition: does not apply

II. PLACE OF PRESENT CONFINEMENT: does not apply

- A. Is there a prisoner grievance procedure in this institution? YES () NO (☒)
- B. Did you present the facts relating to your complaint in the prisoner grievance procedure? YES () NO (☒)
- C. If your answer is YES,
1. What steps did you take? does not apply
2. What was the result? does not apply
- D. If your answer to B is NO, explain why not. does not apply
- E. If there is no prison grievance procedure in the institution, did you complain to the prison authorities? YES () NO (☒)
- F. If your answer is YES,
1. What steps did you take? does not apply

2. What was the result? does not apply

III. PARTIES

(In item A below, please print your name in the first blank and place your present address in the second blank. Do the same for any additional plaintiffs.)

A. Name of plaintiff: Herbert Hewliss Brown
Present address: P.O. Box 21222, Chattanooga, TN 37424
Permanent home address: 1058 Hurricane Creek Rd, Chatta. TN 37421
Address of nearest relative: (Tamar Webb) 759 Cheatham Rd, Bates City MO 64011

(In item B below, place the FULL NAME of the defendant in the first blank, his official position in the second blank, and his place of employment in the third blank. Use item C for the additional names, positions, and places of employment of any additional defendants.)

B. Defendant: Western Express Inc.
Official position: Transportation / Trucking Cooperation
Place of employment: 7135 Centennial Place, Nashville, TN 37209
C. Additional defendants: Clarence Easterday, Executive Vice President,
Martin Larson, Operations, Bonnie Akers, Recruiting Specialist,
Mike Erskine, Vice President of Operations, and
Todd Goodwin, Office Manager

IV. STATEMENT OF CLAIM

(State here as briefly as possible the FACTS of your case. Describe how EACH defendant is involved. Include also the names of other persons involved, dates and places. DO NOT give any legal arguments or cite any cases or statutes. If you intend to allege a number of related claims, number and set forth each claim in a separate paragraph. Use as much space as you need. Attach extra sheets, if necessary.)

From 5/5/08 - 5/14/08 I was discriminated against because of my
race and color while working for Western Express. I was

retaliated against and terminated on 5/14/08. Mike Erskine gave me the choice of being suspended for 10 days or going back out on the road with a trainer. The reason for their decision was because I was late on a load after taking an on-line class. I was told that I would receive a dedicated run, by Ronnie Akers, but that it required a HAZMAT license. This was a plan to divert me from applying for the dispatch position. I went to get the license, the office was full, and I was told to return on that Monday.

The Office Manager, Todd Goodwin, said that I did not inform Western Express of the situation and I was terminated for job abandonment. I was attending school, and showed an interest in transferring to an ~~an~~ administrative job and Western Express retaliated against me because they wanted no Blacks in that office.

I was discriminated against because of my race and color. I was retaliated against for having expressed my belief and questioned racism because Blacks were not employed in the office of those positions.

V. RELIEF

(State BRIEFLY exactly what you want this Court to do for you. Make NO legal arguments. Cite NO cases or statutes.)

I want the Federal Court to prevent Western Express from
excluding Blacks in their promotion and hiring process
in their administrative dispatch positions. I also want this
case resolved and for the Court to award me compensatory
damages of \$80,000 due to being discriminated against and for being unjustly
terminated by Western Express.

SIGNED THIS 28th DAY OF October, 2009.

Herbert Heulow Brown

SIGNATURE OF PLAINTIFF